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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/827,730   | 04/06/2001  | David Wilkins        | GO34-001            | 7393             |
| 25545  | 7590        | 03/31/2005           | EXAMINER            |                  |
| GOUDREAU GAGE DUBUC<br>800 PLACE VICTORIA, SUITE 3400<br>MONTREAL, QUEBEC, H4Z 1E9<br>CANADA |             |                      | BUI, KIEU OANH T    |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 2611                 |                     |                  |

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 09/827,730             | WILKINS, DAVID      |
| Examiner                     | Art Unit               |                     |
| KIEU-OANH T BUI              | 2611                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date *04/06/2001*.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. *\_\_\_\_\_*.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: *\_\_\_\_\_*.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6 and 9 are objected to because of the following informalities: both claim 6 and claim 9 are referring to a same limitation (repeated). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rangan et al. (U.S. Patent No. 6,493,872 B1).

Regarding claim 1, Rangan discloses “a system for enhancing a serial transmission with data and presenting it on a display comprising: means for positioning and displaying the serial transmission on the display; at least one data collector supplying the data; at least one viewer selectable graphics object having an appearance, wherein each of said at least one graphics object is connected to a corresponding one of said at least one data collector and wherein each graphics object appearance is modified according to the data of said corresponding one of said at least one data collector; and means for positioning and presenting said at least one graphics object on the display”, i.e., Figures 1 & 7 show a system for delivering and displaying a serial

transmission with data to a viewer on the display 14, wherein an authoring system 51 acts as data collector in providing end users 48a-48n graphics objects and the graphics object appearance is modified corresponding to the authoring system, see col. 3/line 39 to col. 4/line 14 for data stream is delivering to the end users in frames; and col. 18/lines 20-33 for frames are transmitting in the form of serial transmission; and authoring system 51 modifies the graphics object appearance or content with adding annotations as interactive icons, text, animated graphics and sounds, see col. 13/lines 17-37).

As for claim 2, Rangan discloses “wherein the serial transmission is presented on the entire display”, i.e., the streaming data or serial transmission are displaying to the entire screen (Fig. 2, col. 7/lines 45-67).

As for claim 3, Rangan discloses “wherein presenting said at least one graphics object comprises superimposing said at least one graphics object on the serial transmission” (as shown in Fig. 2 and 3, and col. 13/lines 18-37 for adding annotations as overlay or superimposing interactive icons, text, animated graphics and sounds).

As for claim 4, Rangan discloses “wherein said at least one viewer selectable graphics object is connected to a corresponding one of said at least one data collector via a marshaller”, i.e., internet or WAN access point regarding as a marshaller is suggested to be as one data collector, Fig. 7, and col. 13/line 51 to col. 14/line 22 before providing graphics object to the viewer.

As for claim 5, Rangan further discloses “wherein said at least one data collector includes at least one database” (Fig. 8 with authoring server 63).

As for claims 6 and 9, Rangan further discloses “wherein the serial transmission is a television broadcast” (Fig. 12 for television broadcast and data streams, see col. 21/lines 18-58).

As for claim 7, Rangan discloses “wherein the data includes audience responses to an interactive question”, i.e., interactive questions are provided to the viewer in many forms such as a display of an advertisement for soliciting a product or service and required a response or interaction from the viewer (see col. 12/lines 17-41).

As for claim 8, Rangan discloses “wherein the data is collected in real time” (col. 6/lines 39-50).

Regarding claims 10-13, these claims for “a method for a viewer's customization of the presentation of a serial transmission and data on a display comprising; positioning and displaying the serial transmission on the display; providing at least one graphics object having respective appearances; selecting at least one graphics object having an appearance; positioning said at least one graphics object on the display; providing at least one data collector having data; connecting said selected at least one graphics object to a corresponding one of said at least one data collector; transferring the data from said corresponding data collector to said at least one graphics object; wherein each graphics object appearance is modified according to the data of said corresponding data collector; and displaying said at least one graphic object on the display” with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-9 as discussed above.

Regarding claims 14-16 and 17-20, these claims for “an interactive system for modifying graphics displayed with a serial transmission comprising: means for requesting viewer input; means for receiving and processing said viewer input and having an output; at least one graphics

object having an appearance; means for modifying said appearance of said at least one graphics object connected to said receiving and processing means, wherein said at least one graphics object appearance is modified according to said output; means for combining said output with the serial transmission to form an enhanced serial transmission" and "a method for enhancing a serial transmission and displaying this enhanced transmission on a display" with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-9 as discussed above.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Srinivasan (US Patent 6,357,042 B20 discloses a similar system related to Rangan's system for providing serial transmission or stream data to the user via the Internet.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Krista Bui  
Primary Examiner  
Art Unit 2611

KB  
March 22, 2005